



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,423	08/31/2001	Jeffrey Thomas Kiesler	9D-DW-19892	9460

23465 7590 07/31/2003

JOHN S. BEULICK  
C/O ARMSTRONG TEASDALE, LLP  
ONE METROPOLITAN SQUARE  
SUITE 2600  
ST LOUIS, MO 63102-2740

EXAMINER

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
----------	--------------

3634

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/682,423

Applicant(s)

KIESLER ET AL.

Examiner

Jerry Redman

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-17,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-17,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, and 3-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over European patent to Gobbi in view of Japanese patent No. 54-42833. European patent to Gobbi (hereinafter as Gobbi) discloses a panel (S) having a formation (A), a seal member (U) extending from formation (A) and having a flap portion (L and M) extending from a head portion (the portion which mounts the seal member (U)), the panel (S) having a flat barrier portion (the portion (A) which mounts the seal member (U)) and a curved portion (the portion in dotted lines in Figure 2 just above sealing extensions (N)). Gobbi fails to disclose a mounting assembly having a toe and heel arrangement and a seal having a complementary arrangement for mounting thereto. As shown in Figure 6 (an enlarged view is also attached), Japanese patent No. 54-42833 discloses a sealing member having a toe and heel arrangement (7) and a curved portion (the rounded portion extending between the toe and heel) extending therebetween and a seal (1) having a complementary shaped opening/mounting arrangement. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Gobbi with a mounting assembly in a toe and heel shape type arrangement as taught by Japanese patent No. 54-42833 since the mounting assembly

Art Unit: 3634

allows the seal member to be firmly attached when mounted but also allows one to easily replace or remove the seal member.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 21 and 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese patent No 54-42833. As shown in Figure 6, Japanese patent No. 54-42833 discloses a seal (1) comprising a head portion (the portion which mounts complementary portion (7)), a flap portion (the portion which is extending and engaging a movable door panel), and a heel and toe opening type arrangement (the L-shaped portion which is perpendicular to each other) having an arched portion extending therebetween.


Applicant's arguments with respect to claims 1, 3-17, and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Meyers et al. disclose a sealing arrangement having a toe and heel arrangement with a curved portion extending therebetween. U.S. patent to Hanks et al. disclose a sealing arrangement having a mounting portion similar to that of the applicant's invention. German patent to Groll discloses a sealing mounting arrangement similar to that of the applicant's invention.

Application/Control Number: 09/682,423  
Art Unit: 3634

Page 4

Any inquiry concerning this communication should be directed to Jerry Redman  
at telephone number 703-308-2120.



**Jerry Redman**  
**Primary Examiner**